

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,
SAP AG, and SAP AMERICA, INC.,

Plaintiffs and Counterclaim
Defendants,

v.

DATATERN, INC.,

Defendant and Counterclaim
Plaintiff.

Consolidated Cases:

Civil Action No. 1:11-cv-02365-KBF

Civil Action No. 1:11-cv-02648-KBF

ECF Case

**MICROSOFT CORPORATION’S MEMORANDUM OF LAW
IN SUPPORT OF UNOPPOSED MOTION TO FILE UNDER SEAL**

Microsoft Corporation (“Microsoft”) files this memorandum of law in support of its unopposed motion to file under seal Microsoft Corporation’s Memorandum of Law in Support of Motion for Summary Judgment (the “Memorandum”), dated October 26, 2012.

It is necessary to file the Memorandum under seal because it contains information that has been designated as confidential pursuant to the Protective Order entered on April 23, 2012 in the above-captioned consolidated matters (“Protective Order”). Under Paragraph 14.3 of the Protective Order, a party may not file such information in the public record without the permission of the designating party or the Court. The information at issue consists of the expert report of Neeraj Gupta, which the Court has allowed to be filed under seal (Order filed Oct. 4, 2012, at 2, ECF No. 148), as well as Defendant DataTern, Inc.’s (“DataTern”) infringement contentions, the deposition transcript of Gabriel Oancea, and the document Bates-stamped DT138291-DT138318. This information was designated as confidential by Defendant DataTern,

Inc., which has not given permission to file the information publicly and does not oppose this motion.

A proposed order is attached as Exhibit A for the Court's consideration. Microsoft will electronically file a redacted copy of the Memorandum today and provide the Court with unredacted courtesy copies.

Dated: October 26, 2012
New York, New York

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Respectfully submitted,

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